

DEP REF



PATENT MAINTENANCE
DIVISION

2006 JUL 13 PM 4:02

Docket No.: 1560-0377P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshitomo TOKUMOTO et al.

Application No.: 10/081,518

Confirmation No.: 2026

Filed: February 25, 2002

Art Unit: 2855

For: ROTATIONAL ANGLE DETECTING
DEVICE, TORQUE DETECTING DEVICE
AND STEERING APPARATUS

Examiner: O. L. Davis

REQUEST FOR REFUND
(PETITION FILED ON JUNE 13, 2006 IS DISMISSED AS MOOT)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of July for the above-identified

application patent

A copy of the monthly statement in which the error referred to occurs, accompanies this request.

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Application No.: 10/081,518

Docket No.: 1560-0377P

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	<u>AMOUNT OF REFUND REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
 and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input type="checkbox"/> extension of term	_____
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input type="checkbox"/> excess claims	Best Available Copy _____
<input type="checkbox"/> issue fee	_____
<input checked="" type="checkbox"/> petition fee	\$130.00

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- patent maintenance fee
 - first maintenance fee
 - second maintenance fee
 - third maintenance fee
- patent maintenance fee surcharge
- Other:

TOTAL REFUND REQUESTED \$130.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The petition filed on June 13, 2006 under 37 CFR 1.313(c)(2) was dismissed as moot. A copy of the Decision from Office of Petitions dated June 20, 2006 is attached.

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IV. MANNER OF REFUND

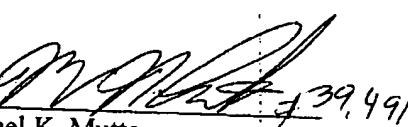
Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: July 7, 2006

Respectfully submitted,

HNS

By 
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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Suite 100 East
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Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment: Decision from Office of Petitions dated June 20, 2006

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DAC
JW

Docket No.: 1560-0377P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshitomo TOKUMOTO et al.

Allowed: March 21, 2006

Application No.: 10/081,518

Confirmation No.: 2026

Filed: February 25, 2002

Art Unit: 2855

For: ROTATIONAL ANGLE DETECTING DEVICE,
TORQUE DETECTING DEVICE AND
STEERING APPARATUS

Examiner: O. L. Davis

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313 (c) (1-3)**

MS Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue.

It is requested that the above-mentioned application be withdrawn from Issue for the following reason:

06/14/2006 SZEWDIE1 00000083 10081518
02 FC:1464 130.00 OP

Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable (37 C.F.R. § 1.313(c)(1));

06/14/2006 SZEWDIE1 00000083 10081518
02 FC:1464 130.00 OP

Consideration of a request for continued examination in compliance with § 1.114 (37 C.F.R. § 1.313(c)(2)); or

Birch, Stewart, Kolasch & Birch, LLP

MKM/HNS/kj

Adjustment date: 08/17/2006 SDIRETAL 0009311500
06/14/2006 SZEWDIE1 00000083 10081518
02 FC:1464 -130.00 OP

Ref#: 08/17/2006 SDIRETAL 0009311500
Name/Number: 10081518
\$130.00 CR
DAB: 022448
FC: 9204

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH, LLP
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of
Yoshitomo Tokumoto et al
Application No. 10/081,518
Filed: February 25, 2002
Attorney Docket No. 1560-0377P

REVIEWED BY
DOCKETING
[Signature]

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JUN 20 2006

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed June 13, 2006 under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed as moot** for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on March 22, 2006, with the issue fee being due on or before June 22, 2006.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of March 22, 2006 has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

The \$130 fee submitted for the petition under 37 CFR 1.313(c)(2) is unnecessary; therefore, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3210.

This matter is being referred to Technology Center Art Unit 2855.

Irvin Dingle
Petitions Examiner
Office of Petitions

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